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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,386	05/24/2001	Masayuki Imada	50023-138	1504

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600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,386

Applicant(s)

IMADA ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 and 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,13,14,16-18 and 26 is/are rejected.
- 7) ☒ Claim(s) 2,6-8,15 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2653

The communication dated 03/22/04 has been considered with the following results:

Election/Restrictions

1. Claims 9-12 and 22-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al (US 6,418,100).

Park et al., according to Fig. 10 or 11, teach that the type of defective blocks is identified (see steps 406 and 407 in Fig. 10 or see steps 505 and 506 in Fig. 11) and the reading (see step 409 in Fig. 10 or step 509 in Fig. 11) is controlled according to the identification results, as recited in claims 1 and 14. For limitations in claims 3 and 16, see step 410 in Fig. 10 or 508 in Fig. 11. For limitations in claims 5 and 18, see step 408 in Fig. 10 or 507 in Fig. 11.

4. Claims 1, 3-5, 13, 14, 16-18 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al (US 6,414,923).

Art Unit: 2653

Park et al., according to Fig. 8 or 10, teach that the type of defective blocks is identified (see steps 103 and 104 in Fig. 8 or see steps 203-205 in Fig. 10) and the reading (see steps 105-107 in Fig. 8 or steps 206-109 in Fig. 10) is controlled according to the identification results, as recited in claims 1 and 14. For limitations in claims 3 and 16, see step 209 in Fig. 10. For limitations in claims 4 and 17, see step 105 in Fig. 8 or 206 in Fig. 10. For limitations in claims 5 and 18, see step 209 in Fig. 10. For limitation in claims 13 and 26, see steps 103 and 104 in Fig. 8 or see steps 203-204 in Fig. 10.

Allowable Subject Matter

5. Claims 2, 6-8, 15 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 6-8, 15 and 19-21 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a disk reproducing apparatus or method thereof including a combination of all limitations as recited in each of claims 2, 6-8, 15 and 19-21.

Cited References


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relates to a disk reproducing apparatus having a device for identifying a type of a listed defective block and controlling the reading data from a recording disk.

Art Unit: 2653

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653